General Assembly

February Session, 2012

File No. 397

Substitute House Bill No. 5467

House of Representatives, April 12, 2012

The Committee on Commerce reported through REP. BERGER of the 73rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1   Section 1. Section 13b-50a of the general statutes is repealed and the
2   following is substituted in lieu thereof (*Effective July 1, 2012*):

3   The following initiatives shall be established to preserve
4   Connecticut's licensed privately owned, publicly used airports which
5   have a paved runway and a minimum of five thousand operations per
6   year: (1) The state shall have the right of first refusal to purchase, via
7   fair market value and state property acquisition procedures, an airport,
8   if that airport is threatened with sale or closure, for the express
9   purpose of preserving the airport; (2) the Commissioner of
10   Transportation may acquire the development rights, based on fair
11   market value for such rights, of such airports, provided the airport
12   remains a public airport; (3) the state shall fund capital improvements
13   to private airports, in which case the state shall participate in ninety
14   per cent of the eligible costs and the balance by the sponsor, with

15   budget and priorities to be determined by the Department of
16   Transportation, and engineering in accordance with Federal Aviation
17   Administration Advisory Circulars; and (4) the establishment of a new
18   airport zoning category for the airport's imaginary surfaces as defined
19   by Federal Aviation Regulations, which surfaces are subject to
20   environmental assessments as defined by Federal Aviation Regulations
21   and Environmental Protection Agency standards. Development within
22   these surfaces shall require notices for proposed construction and a
23   federal determination of obstructions and environmental effects.
24   Construction of obstructions deemed hazardous to navigation shall not
25   be allowed and environmental compatibility planning shall address
26   needed land-use actions to mitigate adverse environmental impacts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2012*	13b-50a

Statement of Legislative Commissioners:
The subparagraph designations and "and areas" were deleted and ", which surfaces are subject to" was inserted for clarity.

CE   *Joint Favorable Subst.-LCO*

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 $	FY 14 $
Department of Transportation	TF - Potential Cost	230,000-550,000	230,000-550,000

Note: TF=Transportation Fund

Municipal Impact: None

Explanation

The bill requires each licensed, privately-owned and publicly-used airport to conform to Federal Aviation regulations and Environmental Protection Agency standards for proposed development within the airport's "imaginary surfaces". This will result in a potential cost of $230,000-$550,000 to the Department of Transportation (DOT) for each airport dependent on DOT incurring the cost instead of a private developer.

The $230,000-$550,000 cost is comprised of (1) $130,000-$350,000 for each airport to hire a consultant to complete environmental assessments consistent with Federal Aviation regulations and Environmental Protection Agency standards and (2) $100,000-$200,000 for each airport to hire a consultant to complete environmental compatibility planning.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5467

AN ACT CREATING A WORKFORCE TO MAKE IMPROVEMENTS AROUND CONNECTICUT'S PUBLIC AIRPORTS

SUMMARY:

Current law authorizes several initiatives for preserving the state's licensed, privately-owned airports that have paved runways and conduct at least 5,000 operations per year. The initiatives include establishing an airport zoning category for Federal Aviation Administration- (FAA) defined "imaginary surfaces," areas that extend upward and outward from runways where obstructions deemed hazardous to navigation are prohibited.

This bill requires proposed developments in these zones to be assessed for their environmental effects, as defined by FAA regulations and federal Environmental Protection Agency standards. In addition to the law's ban on constructing objects in the zones that are hazardous to navigation, the bill requires environmental compatibility planning to address land use actions needed to mitigate adverse environmental impacts.

EFFECTIVE DATE: July 1, 2012

BACKGROUND

Private Airport Preservation Initiatives

Besides establishing an airport zoning category for FAA-defined imaginary surfaces, the law:

1. gives the state a right of first refusal to purchase, for fair market value, any airport solely to preserve it if threatened with sale or closure;

2. authorizes the Department of Transportation to acquire an airport's development rights for fair market value as long as the airport remains open to the public; and

3. authorizes 90% state funding for eligible capital improvements at private airports, as determined by the transportation commissioner.

COMMITTEE ACTION

Commerce Committee

    Joint Favorable
    Yea   17   Nay 0   (03/27/2012)